

or commissioners as they are called, would have very limited duties but they are very important duties and they are judicial in nature. They will issue warrants of arrest, they will take collateral, for example, when a nonresident of Maryland is picked up on the highway, and has to post collateral or be placed in jail and not merely sign a ticket like a resident. The committing magistrate is the person called out of bed in the middle of the night; he is the one who would decide whether a person should be incarcerated pending hearing and he sets bail. These are strictly judicial functions.

Also, a committing magistrate is important in family disputes. He can many times resolve disputes without swearing out warrants of arrest. You say that is a non-judicial officer. You say the judge should not appoint this type of officer. You are being misled. The courts and judges for years have appointed special masters and auditors to hear all sorts of cases in the equity courts in particular and report back to the court. No one ever suggested the court should not have this power.

THE CHAIRMAN: Delegate Dulany, you have a little less than a half-minute.

DELEGATE DULANY: Courts today are charged with a great responsibility in the criminal section of the law, particularly under the recent interpretation of the U. S. Supreme Court. They are the ones who are finally responsible for the administration of justice and I ask you to vote down the amendment and support the Committee on its proposal.

THE CHAIRMAN: Before recognizing Delegate Johnson, the Chair desires to acknowledge the presence in the gallery of the Honorable William Hinkle, member of the House of Delegates from the fourth district of Baltimore County. Delighted to have you with us.

*(Applause.)*

Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, I yield three minutes to Delegate Grant.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: My comments on this are essentially the same as Delegate Jett's. I think we are imposing on the judiciary an almost insuperable job. There are some 900,000 cases handled in the courts of inferior jurisdiction as opposed to some 64,000 cases heard in the circuit

courts. Obviously the majority of the work in the inferior jurisdictions consists of warrants, traffic tickets and the like. This work is going to be handled by a commissioner with some trial supervision in the actual conduct of the trial by a district judge.

Actually, the commissioner then is really going to be performing a judicial function. We have not left or burdened the Court of Appeals with appointment of judges of the intermediate court of appeals; we have not burdened the intermediate court of appeals with the appointment of judges of the superior court. We have not burdened the judges of the superior court with the appointments, as is apparently done in Illinois of the judges of the inferior court.

I do not think at this point we should burden the judges of the district court with the appointment of other judicial officers. It is a great burden. Apparently they will have to decide everything about the commission: how long he is going to be there, what his qualifications should be, what his pay will be, where the money is going to come from, what his retirement is, and so on. It is simply too much to ask a judge to go out and fill the court room, then come in and try to dispense justice.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, I yield three minutes to Delegate Case.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: there has been some misinformation given by Delegate Johnson with reference to the newness of this term. I should like to inform the Committee of the Whole just where it came from, who it has been submitted to, and what the results have been.

The whole idea of the district courts was a result of a report made by the Committee on Judicial Administration of the Maryland State Bar Association, sitting in convention June 20 of last year in Atlantic City.

The Committee recommended to the Association that a system of district courts should be formed and also recommended that the job of issuing arrest warrants and other similar functions should be transferred to a new officer called a commissioner. I think it would be instructive to this Committee of the Whole if I read what